



2007 ASSEMBLY BILL 308

May 7, 2007 - Introduced by Representatives TOLES, COLON, WOOD, FIELDS, NASS, BERCEAU, PARISI, POCAN, TURNER, GRIGSBY, KERKMAN, WASSERMAN, RICHARDS and A. WILLIAMS, cosponsored by Senators COGGS, GROTHMAN, SULLIVAN and HANSEN. Referred to Committee on Corrections and Courts.

1 **AN ACT to amend** 62.50 (14), 62.50 (16) and 62.50 (18) of the statutes; **relating**
2 **to:** payment of a 1st class city police officer's salary after discharge and the
3 adjournment of a trial or investigation relating to charges brought against such
4 an officer.

Analysis by the Legislative Reference Bureau

Under current law, no member of the police force of a first class city (presently only Milwaukee) may be suspended or discharged without pay or benefits until the matter that is the subject of the suspension or discharge is disposed of by the Board of Fire and Police Commissioners (board) or the time for an appeal passes without an appeal being made. Currently, no member of a police force of a second, third, or fourth class city may be deprived of compensation while suspended, pending disposition of the charges.

Also under current law, if the board's decision upholding the discharge or suspension is reversed, the member must be reinstated to his or her former position in the department and is entitled to pay as if he or she was not suspended or discharged. Similar provisions apply to a second, third, or fourth class city police officer whose suspension or removal is reversed.

This bill removes the current law provisions relating to the payment of the salary of first class city police officers who are discharged. The bill does not affect current law provisions relating to reinstatement and back pay for such officers if the board's decision is reversed.

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Currently, if the board receives a notice of appeal, it must schedule a trial within 5 and 15 days after service of the notice and copy of the complaint. This bill changes the time frame for scheduling a trial to between 90 and 120 days.

Currently, both the accused and the chief of a department have the right to request up to a 15-day adjournment of the trial or investigation of the charges. Once such a request is made, it is granted automatically. Under the bill, the board may grant an adjournment, for cause, to either party.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 62.50 (14) of the statutes is amended to read:

2 62.50 (14) COMPLAINT. The board, after receiving the notice of appeal shall,
3 within 5 days, serve the appellant with a copy of the complaint and a notice fixing
4 the time and place of trial, which time of trial may not be less than 5 90 days nor more
5 than 15 120 days after service of the notice and a copy of the complaint.

6 **SECTION 2.** 62.50 (16) of the statutes is amended to read:

7 62.50 (16) TRIAL; ADJOURNMENT. The board may grant the accused ~~and or~~ the
8 chief ~~shall have the right to~~ an adjournment of the trial or investigation of the
9 charges, for cause, not to exceed 15 days. In the course of any trial or investigation
10 under this section each member of the fire and police commission may administer
11 oaths, secure by its subpoenas both the attendance of witnesses and the production
12 of records relevant to the trial and investigation, and compel witnesses to answer and
13 may punish for contempt in the same manner provided by law in trials before
14 municipal judges for failure to answer or to produce records necessary for the trial.
15 The trial shall be public and all witnesses shall be under oath. The accused shall
16 have full opportunity to be heard in defense and shall be entitled to secure the
17 attendance of all witnesses necessary for the defense at the expense of the city. The

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1 accused may appear in person and by attorney. The city in which the department is
2 located may be represented by the city attorney. All evidence shall be taken by a
3 stenographic reporter who first shall be sworn to perform the duties of a stenographic
4 reporter in taking evidence in the matter fully and fairly to the best of his or her
5 ability.

6 **SECTION 3.** 62.50 (18) of the statutes is amended to read:

7 **62.50 (18) SALARY DURING SUSPENSION.** No chief officer of either department or
8 member of the fire department may be deprived of any salary or wages for the period
9 of time suspended preceding an investigation or trial, unless the charge is sustained.
10 No member of the police force may be suspended or discharged under sub. (11) or (13)
11 without pay or benefits until the matter that is the subject of the suspension or
12 discharge is disposed of by the board or the time for appeal under sub. (13) passes
13 without an appeal being made.

14 **SECTION 4. Initial applicability.**

15 (1) This act first applies to any member of the police force who is covered by a
16 collective bargaining agreement that contains provisions inconsistent with this act
17 on the day on which the collective bargaining agreement expires or is extended,
18 modified, or renewed, whichever occurs first.

19 (END)